IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 935 (S/S) of 2007

Smt. Kalawati Devri W/o Late Sri Harsh Singh Devri
R/o Kafarkhan Block Bhasiachana
District- Almora ------ Petitioner

Versus

1. State of Uttarakhand through Director Vidhyalayi Shiksha Nideshalay, Dehradun
2. District Education Officer, Almora
3. Additional District Education Officer (Basic), Almora

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Amish Tiwari, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

The petitioner is aggrieved against the order dated 11.06.2007 passed by Additional District Education Officer (Basic), Almora by which the petitioner has been transferred from Primary School, Salla, Bhaisiyachhana to Primary School Dasaon Block, Bhasiachana, District Almora.

The petitioner has challenged the transfer order on three grounds. First is that she is 56 years old and as per Policy of the Government till date, the teachers, who have completed 55 years, should not be transferred and in case, he/she is to be transferred, the options should be invited from the incumbent. However, according to the petitioner, no options have been invited from her.

The second ground is that she has joined the present school on 09.03.2006 and within a period of one year and four months, she has again been transferred. The third ground on which the

transfer order has been attacked is that the husband of the petitioner was in the Army and was expired last year and the son of the petitioner is also working in the Army.

Learned counsel for the petitioner has alleged that considering all these circumstances, petitioner should not have been transferred. Petitioner has further alleged that raising all her grievances, she has already moved representation on 10.07.207 before District Education Officer, Almora, which is Annexure No. 7 to the writ petition.

Considering the circumstances aforesaid, I deem it fit and proper to direct the District Education Officer, Almora to decide the representation of the petitioner within a period of two weeks from the date of production of a certified copy of this order before him. The petitioner is also directed to submit a certified copy of this order before the District Education Officer, Almora within a period of two weeks from today.

Till 25th August, 2007 or till the representation is decided by District Education Officer, Almora whichever is earlier, the petitioner shall not be relieved from the present place of posting, in case she has not already been relieved.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J)

23.07.2007
VKS